

National Transportation Safety Board

Office of Highway Safety

Washington, DC 20594



HWY23FH012

MOTOR CARRIER FACTORS

Group Chair's Factual Report

March 25, 2024

A CRASH

Location: Excelsior, Wisconsin

Date: May 12, 2023

Time: 07:20 a.m. CDT

Vehicle1: 2016 Bluebird School Bus, Operated by Reedsburg School District.

Vehicle2: 2010 Ford F-150 Pick-Up Truck Operated by a Private Party.

B MOTOR CARRIER FACTORS GROUP

Michael LaPonte, Motor Carrier Factors Investigator, Group Chair
NTSB Office of Highway Safety
Washington, DC 20594

Lieutenant Scott Steinhorst, Group Member
Sauk County Sheriff's Department
Baraboo, Wisconsin

C CRASH SUMMARY

For a summary of the crash, refer to the *Crash Summary Report of the Investigation*, in the docket for this investigation.

D DETAILS OF THE INVESTIGATION

This investigative report addresses the motor carrier history and operations of the commercial motor vehicle (CMV) involved in this crash, a 2016 Bluebird School Bus owned and operated by Reedsburg School District (hereafter Reedsburg) located in Reedsburg, Wisconsin. This report also details the policies and organization of the Reedsburg School District as well as the employment history of the driver of the school bus, and regulatory oversight of the school district's operations by the Federal Motor Carrier Safety Administration and the State of Wisconsin.

Reedsburg is the public school district serving the city of Reedsburg and surrounding Sauk County, Wisconsin. Reedsburg consists of five schools, one high school, one middle school, one intermediate school, and two elementary schools. The RSD encompasses 264 square miles. It has 2800 students. 205 instructional Staff and 178 support staff. The transportation department transports approximately 1,500 students via 22 different routes daily. The busses are owned, and the drivers are employed by Reedsburg.

Reedsburg has a USDOT Number 3514671 which was issued on November 3, 2020. The State of Wisconsin requires a USDOT Number to operate buses in the

state. The USDOT number also makes it easier for Reedsburg to perform the required inquiries into the Drug and Alcohol Clearing House for its Commercial Drivers Licensed (CDL) bus drivers as required.¹

The district is not required to register with the USDOT for operating authority as its transportation operations are exempt from federal oversight with some notable exceptions.²

Reedsburg's Principal Place of Business (PPOB) is 501 K Street, Reedsburg, Wisconsin. The school busses are garaged at a "Bus Barn" at 729 N. Webb Avenue, Reedsburg, Wisconsin. This facility has a maintenance shop and fenced parking for the vehicles operated by Reedsburg. The shop employs three full time mechanics as well as a transportation director and 35 CDL bus drivers. Reedsburg has 36 yellow school buses.

1.0 Reedsburg S.D. Policies

Operational and administrative policies for Reedsburg were found to be contained in three documents. The Reedsburg SD Employee Handbook, The Transportation Handbook and The Student Handbook. These documents detail information from the Reedsburg as well as information from the State of Wisconsin as it relates to employment, transportation and student and parental issues. The employee handbook is reprinted each school year and distributed to all employees of Reedsburg. The document includes the responsibilities of the employees as well as rules that relate to their employment with the school district as well as regulations by the State of Wisconsin. The Transportation Handbook outlines the duties and responsibilities of the transportation employees that includes primary and additional duties in the operation of the school busses. The Student Handbook outlines the rights and responsibilities of the parents and students.

1.1 The Reedsburg Driver

¹ What is the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse? The Clearinghouse is a secure online database that gives employers, FMCSA, State Driver Licensing Agencies, and State law enforcement personnel real-time information about CDL driver drug and alcohol program violations, thereby enhancing safety on our Nation's roadways. An act of Congress directed the Secretary of Transportation to establish the Clearinghouse.

² Transportation performed by the Federal Government, States, or political subdivisions of a State is generally excepted from the FMCSRs. The FMCSRs, in general, do not apply to school bus operations, including those performed by Indian Tribal Governments (49 CFR 390.3T(f)(1)). Nonetheless, there are several exceptions to that principle. The commercial driver's license and drug and alcohol testing regulations in 49 CFR parts 383 and 382, respectively, apply to all drivers of commercial motor vehicles, as defined in 49 CFR part 383, including school buses. All school bus drivers are subject to the distracted driving regulations (see § 390.3T(f)(1)). In addition, school bus operations would be subject to the FMCSRs to the extent that they involve compensation for transportation to non-school events.

The driver of the Reedsburg bus #182 in this crash was a 47-year-old male hereafter the (Reedsburg bus driver). The driver had a Class B Wisconsin CDL with passenger and school bus and tanker endorsements. His license has a E restriction= No Manual Transmission Equipment CMV as well as a M restriction= No Class A Passenger Vehicle, must use corrective lenses. His current license was issued in October 2022 and expires in October 2030.³

The driver had a two-year medical certificate that is expiring in September 2024.⁴The driver went into the clinic that the Reedsburg RSD retains for DOT physical certification in September 2022. The examination was issued for two years. The medical examination was performed by a provider on the National Medical Registry⁵.

1.2 School Bus Drivers Drug Testing and Medical Certificate Records

Wisconsin school districts are exempt from the Federal Motor Carrier Safety Regulations (FMCSRs) except for Part 382 (Controlled Substances and Alcohol Use and Testing) and Part 383 (Commercial Driver's Licenses) Under 49 CFR Part 382 applies to every person and to all employers of such persons who operate a commercial motor vehicle in commerce in any State and is subject to commercial driver's license requirements.

The Wisconsin Department of Public Safety has adopted the rules in 49 CFR Part 382 and clearly state that it applies to school districts. The state regulations require a Controlled substances and Alcohol Use and Testing program with all the elements found in 49 CFR Part 382. Reedsburg did have the required drug and alcohol testing program in place.

Reedsburg stated that they had failed to perform the required post-crash drug and alcohol testing as required by 49 CFR part 382.303. The driver submitted to a voluntary blood draw for the Sauk County Sheriff. This information is contained in the crash report compiled by the Sauk County Sheriff's Office. The results were returned negative.

An inquiry was made to the Drug and Alcohol Clearinghouse for the driver by the Reedsburg school district. The driver was registered in the Clearinghouse and there were two employer queries made for the driver's status to operate.

³ See Motor Carrier Attachment - Reedsburg Bus Driver's Wisconsin DMV Report dated June 28, 2023.

⁴ State of Wisconsin requires that school bus drivers are examined every two years. When the driver reaches 70 years of age, they must have annual medical examinations.

⁵ See Wisconsin Department of Transportation School Bus and Medical Certificates. BSD362.

The inquiries were for 2021 and 2022, in both queries the driver was not prohibited.⁶ The Reedsburg SD is required to query the Clearinghouse annually for all currently employed CDL drivers.⁷

1.3 School Bus Driver's Qualification Files

The driver qualification (DQ) file for the driver was provided by Reedsburg SD. Reedsburg SD is exempt from the driver qualification requirements found in CFR 49 Part 391 (Qualifications of Drivers). The State of Wisconsin regulations mirror the federal regulations in many areas. In subchapter B "Driver Qualifications" the requirements for the driver's qualification file are like the federal requirements found in 49 CFR 391.5.1. The Reedsburg Driver Qualification File contained the following documents:

- Employment application
- Pre-Employment drug test
- Copy of the Wisconsin Class B CDL
- Medical Certificate
- Copy of the Wisconsin Driving record

The D.Q. files on the driver involved in this crash followed the State of Wisconsin regulations.

The Wisconsin CDL Manual contains requirements for commercial driver qualifications on pages 14-15 as follows:

There are additional requirements for a school bus endorsement. To qualify for the endorsement, school bus drivers must:

- Be at least 18 years old. (If you are under 21 years of age, you will be restricted to CDL intrastate operation only.)
- Not have been convicted of reckless driving, operating a motor vehicle while under the influence of an intoxicant or controlled substance or any felony on the list of School Bus Disqualifications online at wisconsin.dmv.gov.
- Have sufficient use of both hands and the foot normally used to operate the foot brake and accelerator safely.
- Have at least 20/40 vision corrected or uncorrected in each eye, have,
- a minimum of 70 degrees field of vision in each eye and be able to identify traffic signal colors.
- Be able to hear a forced whisper at five feet with or without a hearing aid.
- Pass a special physical examination as required by Wisconsin law or present the Federal Medical Card.

⁶ The queries are required annually. The Reedsburg SD has done them in December of the year. Due again in December 2023.

⁷ FMCSA Drug and Alcohol Clearinghouse FAQ's <https://clearinghouse.fmcsa.dot.gov/>

- To retain the "S" endorsement, you must pass a physical every 2 years and upon renewal (every year if age 70 or older).

Reedsburg provided records that indicated the driver satisfied these requirements. The district also provided training records, Department of Transportation (DOT) drug testing records, as well as previous DOT Physical Certifications and payroll records.

1.4 School Bus Driver's Driving Records

A Commercial Driver's License Information System (CDLIS) report for the school bus driver was obtained. The report listed an accident on November 12, 2020, as non-injury (property damage only) and this accident was not in a CMV.⁸ A Wisconsin DMV report was obtained as well and listed the same information.

1.5 School Bus Driver's Training

The Wisconsin Department of Motor Vehicles (DMV) outlines the steps needed to obtain a Commercial Driver's License (CDL) with a school and passenger endorsement. The first step is to obtain an CDL learner's permit. Records obtained from Reedsburg indicated that the bus driver obtained his learners permit in November 2018. The driver obtained his CDL with School and Passenger Endorsements in May 2019. The training was provided by the Reedsburg School district.

In addition to school bus training, Reedsburg provide training records that the driver also engaged in Bus Evacuation Drills. These drills are conducted twice a year.

The chart below outlines the last three training dates in the Reedsburg driver's file.

Table 1: Driver Training Certification:

Training Date	Source	Type of Training
April 26, 2023	Reedsburg Training File	Bus Evacuation Drill
October 12, 2022	Reedsburg Training File	Bus Evacuation Drill
April 14, 2022	Reedsburg Training File	Bus Evacuation Drill

⁸ Motor Carrier Attachment -Reedsburg Bus Driver's CDLIS Report dated June 30, 2023.

1.6 School Bus Operations for Loading Students

1.6.1 Using Flashing Red Warning Lights

Background information concerning standard practices for conducting school bus stops was obtained. "Wisconsin public school policy outlines the proper procedures for picking up and discharging students." These procedures include the following:

A school bus has no special right of way privileges on highways except when picking up or discharging students. When you stop, you must use the flashing red warning lights and the stop arm.

All vehicles must stop no closer than 20 feet to a stopped school bus with flashing red warning lights. The only exception is vehicles traveling in the opposite direction on a divided highway. Do not use flashing red warning lights where both sides of the road have curb and sidewalk, unless required by local ordinance.⁹

1.6.2 Approaching the Stop

Approach cautiously at a slow rate of speed.

- Look for pedestrians, traffic, or other objects before, during and after coming to a stop.

- Continuously check all mirrors.

Turn on flashing amber warning lights at least 300 feet before stopping in a 45 mile per hour or greater speed zone or at least 100 feet before stopping in a less than 45 mile per hour speed zone.

- Determine if other drivers have observed flashing amber warning lights and have time to stop.

- Stop in the farthest right driving lane.

- Bring the bus to a full stop with the front bumper at least 10 feet away from students at the designated stop. This forces students to walk to the bus, so you have a better view of their movements. Extinguish the flashing amber warning lights and turn on the flashing red warning lights.

- Activate the stop arm only after the bus has stopped and before opening the door.

- Place the transmission in Park or Neutral and apply the foot brake to prevent the bus from accidentally moving.

11 Make a final check to see that all traffic has stopped before completely opening the door and signaling students to approach.¹⁰

⁹ See Wisconsin Statute S.346.48 (1)

¹⁰ Motor Carrier Attachment - Wisconsin CDL Manual Section 10: School Buses 10.2 Loading and Unloading.

1.7 School Bus Driver's Hours of Service Records

The transportation operations of the Reedsburg are exempt from the regulations found in 49 CFR 395, Hours of Service, as a result the drivers did not maintain a record of duty status. The drivers are paid on a timecard. The driver's timecard records were obtained and in the 7 days prior to the crash the driver was on duty/driving as follows:¹¹

Table 2 Driver's Hours of Service

Date	Source	Total Hours
May 6, 2023	Payroll Records	Off Duty
May 7, 2023	Payroll Records	Off Duty
May 8, 2023	Payroll Records	On Duty & Driving 8.5 Hours
May 9, 2023	Payroll Records	On Duty & Driving 10.5 Hours
May 10, 2023	Payroll Records	On Duty & Driving 9.50 Hours
May 11, 2023	Payroll Records	On Duty & Driving 1.75 Hours
May 12, 2023	Payroll Records	On Duty & Driving 3.5 Hours total for the day. 1.00 hours at the time of the crash.

The driver worked a split shift which is common in school bus operations. At the time of the crash the driver had been on duty or driving that week for a total of 33.75 hours.

1.8 Crash Trip

Video evidence taken from the bus #182 video system revealed that the driver started the trip at approximately 06:30 to 06:45 with a pre-trip inspection. There were no defects noted on the pre-trip. The driver was on his normal route, which he had driven for the last two years. The route consisted of seven stops prior to the crash stop. The driver had loaded 16 students prior to the crash stop. The students were elementary, middle school and high school students. At the crash stop the bus was picking up middle and high school students. Reedsburg establishes the routes that the driver follows. The driver was following "C-am # 182 Ryan." A copy was received from the Reedsburg School District.¹²

¹¹ Motor Carrier Attachment - Reedsburg S.D. Transportation Timesheet dated May 15, 2023.

¹² See The Factual Report of Investigation in the docket for this investigation. Page 6

He activated his yellow warning lights when he crossed North Woods Road on Wisconsin State Route 33.¹³



PHOTO 1: Looking Westbound on Wisconsin State Route 33.(Source: NTSB)

The intersection is North Woods Road. The mailbox on the right-side of the highway is the stop the crash occurred at. The distance from North Woods Road to the crash location is approximately 900 feet.¹⁴

Activation of the yellow flashing lights and the red warning lights is a 2-stage process. The yellow warning lights are activated by the warning lights switch. The Red warning lights are on a 2-stage switch. 1st stage activates the red flashing lights, the stop arm paddle, and the crossing gate. The 2nd stage switch opens the loading door on the right side of the bus. This sequence was verified with the Reedsburg School District.

The driver activated the red lights when stopped. He opened the door when he was in the middle of the driveway.¹⁵

¹³ See Motor Carrier Attachment: NTSB Interview with the Reedsburg Bus Driver May 17, 2023.

¹⁴ See Factual Report of Investigation in the docket for this investigation. Page 4.

¹⁵ See Motor Carrier Attachment: NTSB interview with the Reedsburg Bus Driver May 17,2023.



PHOTO 2: This is a photo of the warning lights and stop arm and door switch on Reedsburg Bus #182 (Source: NTSB)

1.9 Maintenance

The bus was a model year 2016 Bluebird 71 passenger bus. The vehicle was owned and operated by the Reedsburg SD. The bus was purchased new in 2015.

The vehicle had its last Wisconsin State Patrol (WSP) Annual Inspection on June 27, 2022, with a mileage of 84749 at the time of the inspection.¹⁶ The vehicle passed the inspection in accordance with 49 CFR 396.17 through 396.21. The Wisconsin State Patrol has adopted 49 CFR Part 396, and it did not exempt school districts from the requirements found in this regulation.

Maintenance files for the last two years were requested from Reedsburg. They provided a repair log (16 pages) from June 21, 2022, until May 8, 2023. They also provided Driver Daily Inspection Reports (DVIRs) which indicated that defects when noted were repaired timely.



Photo 3: Photo of damage to the rear of bus #182.(Source: NTSB)

¹⁶ Inspection Information was provided by Reedsburg School District.

2.0 Federal Oversight - Federal Motor Carrier Safety Administration

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries and fatalities involving large trucks and buses.

FMCSA has authority over the Drug Testing of the CDL drivers and Commercial Driver's Licenses (CDL). This is under sections 49 CFR Part 382 and 49 CFR Part 383.

49 CFR Part 382 details the requirements of controlled substances, alcohol use and testing requirements. Under this Part, carriers who employ drivers who operate CDL required commercial motor vehicles (CMVs) are subject to six testing procedures. These tests include pre-employment drug testing (§382.301); Random drug and alcohol testing (§382.305); post-accident drug and alcohol testing (§382.303); and reasonable suspicion drug and alcohol testing (§382.307). The additional two requirements are also outlined in Part 40 of the Federal Motor Carrier Safety Regulations (FMCSRs) which include Subpart B- Employer Responsibilities, and Subpart O-Return to Duty. These additional testing requirements include Return-to-duty drug and alcohol testing (§382.309) and Follow-up drug and alcohol testing (§382.311).

49 CFR Part 383 details the requirements for a Commercial Driver's License (CDL). A commercial driver's license (CDL) is a driver's license required to operate large, heavy, or placarded hazardous material vehicles in the United States. Certain specialized types of vehicles such as buses or tank trucks or transporting hazardous materials, require the proper endorsements on your CDL. Endorsements include Passenger (P), allowing you to carry passengers; Tank (T), allowing you to drive trucks containing liquid cargo; and H (Hazardous Materials), allowing you to drive trucks containing such hazardous materials as flammable liquids, explosives, or radioactive substances. To obtain an endorsement, passing a specialized knowledge exam and a specialized driving skills test is required. To obtain a School Bus (S) endorsement, most states require a background check as well as the knowledge exam and skills test.

Although the FMCSRs as outlined in 49 CFR Part 390 are not applicable to school transportation, FMCSA has issued guidance for [§390.3\(f\)\(2\)](#) specifically exempting transportation performed by a State or a political subdivision including any agency of a State or locality from the FMCSRs. The drivers, however, may be subject to the CDL requirements and/or State laws that are like the FMCSRs.

Because of the limited authority that FMCSA has over school district operations it did not do a post-crash investigation or compliance review on the Reedsburg School District.

3.0 State of Wisconsin Oversight of School Transportation Operations

Different agencies of the State of Wisconsin provide oversight of school transportation.

- The Wisconsin Department of Motor Vehicles, Commercial Drivers Manual, for training and qualification requirements for school bus drivers.
- Wisconsin Department of Public Instruction, Outlines the guidelines for student transportation.
- The Wisconsin State Patrol is responsible for school bus inspections.

D Attachments

Motor Carrier Attachment: Reedsburg Bus Driver's Wisconsin DMV Report dated May 16, 2023.

Motor Carrier Attachment: Reedsburg Bus Driver's CDLIS Report dated June 30, 2023

Motor Carrier Attachment: Wisconsin CDL Manual Section 10: School Buses 10.2 Loading and Unloading.

Motor Carrier Attachment: Reedsburg S.D. Transportation Timesheet dated May 15, 2023.

Motor Carrier Attachment: NTSB Interview with the Reedsburg Bus Driver May 17, 2023.

Submitted by:

Michael LaPonte

Highway Crash Investigator, Motor Carrier Factors